

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael Kepney,

Civil 05-1193 DSD/FLN

Petitioner,

v.

O R D E R

United States,

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated June 23, 2005, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. Section 2241 [#1] is construed to be a motion to vacate his conviction and sentence pursuant to 28 U.S.C. Section 2255; and
2. The Clerk of Court is directed to transfer this action to the Northern District of California pursuant to 28 U.S.C. Sections 1406(a) and 1631

DATED: July 14, 2005.
at Minneapolis, Minnesota

s/David S. Doty
JUDGE DAVID S. DOTY
United States District Court